

OFFICE OF THE FEDERAL PUBLIC DEFENDER

DISTRICT OF MARYLAND

NORTHERN DIVISION
TOWER II, SUITE 1100
100 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-2705
TEL: (410) 962-3962
FAX: (410) 962-0872

RECEIVED IN THE CHAMBERS OF
WILLIAM M. NICKERSON

JAMES WYDA
FEDERAL PUBLIC DEFENDER

FEB 26 2008

February 21, 2008

UNITED STATES DISTRICT COURT

VIA FACSIMILE (410) 962-2577

The Honorable William M. Nickerson
United States District Judge
United States Courthouse, Chambers 3C
101 W. Lombard Street
Baltimore, Maryland 21201

Re: Retroactive Application of the Crack Amendments to
Defendants Eligible for Release on or before March 3, 2008

Dear Judge Nickerson:

The United States Probation Office (USPO), the United States Attorney's Office (USAO), and the Federal Public Defender's Office (FPD), have been working to try and resolve cases and issues regarding clients potentially eligible for release on March 3, 2008, due to retroactive application of the crack sentencing amendments.

I am writing to request that the Court reduce to "time-served" the sentences of the individuals on the attached list (Exhibit A) so that they may be released on March 3, 2008, pursuant to 18 U.S.C. 3582(c). The United States Probation Office has examined the Judgment Orders and Presentence Reports in each of these cases and has determined that all are eligible to seek a reduced sentence based upon the recent amendment to the Sentencing Guidelines for crack offenses. The Probation Office has forwarded the amended guideline calculations to the Court.

I have been working closely with Criminal Chief Barbara Sale of the USAO to resolve these matters. The USAO will advise the Court shortly as to their position regarding these cases. We remain optimistic that the government will not oppose most of these requests for corrected sentences.

I am making this request by letter rather than filing a motion in each individual case in the interests of time. My Office delayed filing motions in the bulk of these cases, or supplementing pro se motions, on behalf of these individuals because we had entered into negotiations with the government, and anticipated that we would be able to reach agreement in the majority of these cases.

To expedite disposition, I further request that the Court order the government to respond by Tuesday, February 26, 2008, and that, if the Court deems a hearing necessary, schedule an emergency hearing during the week of February 26, 2008. Under Federal Rule of Criminal Procedure 43(b)(4), the presence of the defendant is not required at a hearing.

I am anxious that all clients eligible and deserving of corrected sentences as of March 3, 2008, the date on which the amendment becomes retroactive, receive that relief. Enclosed is a proposed Scheduling Order (Exhibit B) for the government's response.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Jim Wyda / sb".

James Wyda
Federal Public Defender
for the District of Maryland

cc: Rod Rosentein, U.S. Attorney
Barbara Sale, Assistant United States Attorney,
Chief, Criminal Division